

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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MAR 10 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
Amendment of Section 73.202(b)	)	
Table of Allotments,	)	MM Docket No. 03-14
FM Broadcast Stations.	)	RM-10629
(Fredericksburg, Texas)	)	

To: Chief, Allocations Branch

**COMMENTS OF JAYSON AND JANICE FRITZ**

Jayson and Janice Fritz ("Petitioners"), by counsel, and pursuant to Section 1.415 of the Commission's rules, hereby respectfully submit these comments in response to the Commission's Notice of Proposed Rulemaking (the "Notice")<sup>1</sup>, released January 17, 2003, in the above-captioned proceeding. Petitioners hold a construction permit (File No. BPH-19960826MS) to operate a new FM broadcast station on Channel 289C2 at Mason, Texas. The Notice proposes to downgrade Channel 289C2 to Channel 289C3 and reallocate that Channel to Fredericksburg, Texas, as that community's first local FM transmission service. Thus, the Notice proposes to amend Section 73.202(b) of the Commission's rules as follows:

**Channel No.**

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Fredericksburg, Texas	-----	289C3
Mason, Texas	224A, 239C2, 269C3, 273C2, 281C2, 289C2	224A, 239C2, 269C3 273C2, 281C2

<sup>1</sup> In the Matter of Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations (Fredericksburg, Texas), MM Docket No. 03-148, RM-10629 (released January 17, 2003).

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In support of this request, the following is stated:

**As** demonstrated in the Petition for Rulemaking, the reference coordinates for the proposed Channel at Fredericksburg meet the minimum distance separation requirements with respect to all known licenses, construction permits, pending applications, and pending rulemaking proceedings. The Fredericksburg allotment reference site complies with the minimum spacing requirements contained in Section 73.207 of the Commission's rules.

Furthermore, as stated in the Petition for Rulemaking, the reallocation and downgrade of Channel 289C2 from Mason to Fredericksburg will leave Mason, a city with a U.S. Census 2000 population of only 2,134 people<sup>2</sup>, with five allotments.<sup>3</sup> Furthermore, three construction permits have been issued to Mason and is an additional allotment proposal pending on review. Currently, there are no FM allotments at Fredericksburg, Texas. The proposed allotment would not only be the city's first FM broadcast transmission service but it would serve approximately 20,000 people.

As stated above, the proposed reallocation from Mason to Fredericksburg will provide Fredericksburg with its first FM transmission service. Currently, there are no other FM commercial or noncommercial stations licensed to Fredericksburg. Thus, the addition of this allotment at Fredericksburg will promote the objectives of Section 307(b) of the Communications Act by seeking to achieve a fair, efficient and equitable distribution of broadcast stations among the various states and communities. 47 U.S.C. § 307(b).

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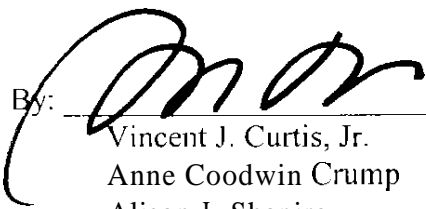
<sup>2</sup> Source: <http://factfinder.census.gov/>

<sup>3</sup> Channel 269C3 was allotted to Mason in MM Docket No. 01-33. See Mason, Texas, DA 02-1389, released June 14, 2002. While that allotment remains subject to an Application for Review filed by Charles Crawford on February 5, 2003, grant of that application would entail only the allotment of a different channel at Mason.

In the event that the allotment of Channel 289C3 at Fredericksburg, Texas is granted, Petitioners will file an application for a construction permit for the modified station, and, if their application is granted, will promptly construct the new facility

WHEREFORE, in light of the foregoing, Jayson and Janice Fritz respectfully request that the Commission AMEND the FM Table of Allotments, and RE-ALLOT Channel 289C3 to Fredericksburg, Texas, as that community's first full-time local FM transmission service, and MODIFY their construction permit to specify operation on the new Channel at Fredericksburg, Texas.

Respectfully submitted,  
JAYSON AND JANICE FRITZ

By:  \_\_\_\_\_  
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